

OGC HAS REVIEWED.

*See  
Dir. (Memo of Law)*

Executive Director

28 Jan. 1948

General Counsel

Congressional Requests for Information

**CONFIDENTIAL**

1. I believe no NSC directive is necessary on an arrangement for dissemination which affects only CIA. Mr. Childs has talked to Admiral Souers on this, and perhaps the latter's concurrence should be placed with the others on the draft. It may be that the other IAC agencies should be shown this in the interest of establishing uniform internal policies.

2. If employees do not have permission from the Director to give information in connection with official business, they are bound by their security oath and the possibility of incriminating themselves under the Espionage Act to refuse to testify. This refusal may cause issuance of a subpoena calling on the Director to produce the information. If he refused on the grounds of national security and his duty to protect sources, he could theoretically be cited for contempt. The outcome of such a citation has never been decided, and it is a highly controversial point involving the constitutional division of authority between the executive and legislative branches. The issue has never been joined, as these matters are normally settled on a practical, rather than a legal, basis. If you or the Director were called upon to reveal information you considered of vital national importance (something like the "Magic" case), I would certainly advise refusal, even in the face of possible contempt proceedings, rather than comply with the subpoena.

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LAWRENCE R. HOUSTON  
General Counsel

LRH:mbt

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